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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,981	03/30/2006	Nobuyoshi Okumura	1163-0560PUS1	4165
2292 7590 03/13/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HANNON, CHRISTIAN A				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 03/13/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/573,981

**Applicant(s)**

OKUMURA ET AL.

**Examiner**

Christian A. Hannon

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 9/10/2007
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is response to applicant's response filed on 12/7/2007. Claims 1-8 are now pending in the present application. **This action is made final.**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 3/30/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Nee (US 2003/0013425) in view of Acker (US 7,263,329).

Regarding claims 1 & 7, Nee teaches a receiving apparatus & method for receiving a broadcasting wave to which service information indicating at least a channel

number, a transmission broadcasting station name, and a broadcast target area are added, characterized in that said receiving apparatus comprises a reception determining means for determining whether said broadcasting wave can be received in a predetermined region (Page 6, [0066]) a registration means for extracting said service information added to the broadcasting wave which is determined to be able to be received by said reception determining means, and for registering said service information, as preset information, into one preset group (Page 5, [0053-0054]) and a channel selecting means for selecting said broadcasting wave according to the preset information registered into said preset group (Figure 2, Page 3, [0034-0035]). However Nee does not explicitly teach an action may take place while changing said channel number. Yet Nee teaches the ability to change channels (Page 3, [0035]). Therefore it would be obvious to one of ordinary skill in the art that these occurrences could take place as a user was changing the channel. Furthermore Nee fails to teach that the broadcasting wave includes a digital video signal, a digital audio signal, and service information. Acker teaches a receiving apparatus capable to receive a digital video signal, a digital audio signal, and service information (Column 4, Lines 34-38, 53-58; Acker). Therefore as Nee teaches use of video and other types of broadcast signals (Page 2, [0025]; Nee) it would be obvious to one of ordinary skill in the art to modify Nee to include those signals taught by Acker in order to include advertising information relating to audio or video programs.

Regarding claim 2, Nee & Acker teach claim 1, characterized in that the service information includes selection button numbers, which are sued for selection channel

numbers respectively, and the registration means registers names of transmission broadcasting stations and a broadcast target area for these transmission-broadcasting stations while associating them with said selection button numbers respectively (Page 4, [0043], Page 5, [0054]).

Regarding claim 3, Nee & Acker teach claim 2, characterized that said apparatus comprises a display control means for displaying a preset group list showing a list of preset groups, as well as broadcast target areas, and for, when a preset group is selected from this preset group list, displaying a preset group screen in which a plurality of broadcasting stations included in preset information associated with the selected preset group are associated with a popularity of selection button numbers respectively (Page 3, [0034]; Figure 2; Page 4, [0044-0045]).

Regarding claim 4, Nee & Acker teach claim 3, characterized in that when a selection button number is input, the channel selection means selects a channel number according to the input selection button number and a preset group number indicating the preset group and displayed on the preset group screen so as to select a broadcasting wave (Page 4, [0044]).

Regarding claim 5, Nee & Acker teach claim 1, characterized in that said apparatus has a searching means for searching for a preset group to which a broadcasting wave having a same broadcast target area as a broadcasting wave which said receiving apparatus is currently receiving belongs, and the registration means registers as preset information service information added to the broadcasting wave which said receiving apparatus is currently receiving into the preset group to which a

broadcasting wave having the same broadcast target areas the broadcasting wave which said receiving apparatus is currently receiving belongs (Page 5, [0053-0054]).

Regarding claim 6, Nee & Acker teach claim 1, characterized in that said apparatus has a searching means for searching for a preset group to which a broadcasting wave having a same transmission broadcasting station name as a broadcasting wave which said receiving apparatus is currently receiving belongs, and, when said searching means determines that there exists a preset group to which a broadcasting wave having a same transmission broadcasting station name as the broadcasting wave which said receiving apparatus is currently receiving belongs, the channel selection means selects a broadcasting wave according to said preset group (Page 5, [0053-0056]).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Acker.

Regarding claim 8 Acker teaches an audio/video receiving apparatus comprising a tuner for receiving a digital broadcasting signal which includes a digital video signal, a

digital audio signal, service information, said service information indicating at least a channel number, a transmission broadcasting station name, and a broadcast target area (Column 4, Lines 34-38,53-58; Column 5, Lines 45-48) a demultiplexer for separating the audio, video and service information from the broadcasting signals (Column 5, Lines 59-61) an audio decoder to decode audio signals, a video decoder to decode video signals, a controller for extracting the service information (Column 5, Lines 57-59; Column 6, Lines 5-9) a video control unit which obtains the extracted service information and create one or more tables, memory entries, where each one of said one or more tables includes all channels associated with a specific area, the area covered by the satellite (Column 6, Lines 1-16) a GUI unit that displays one of said one or more tables based on the current position of the receiver (Column 6, Lines 11-17).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. H./  
Examiner, Art Unit 2618  
C. A. Hannon  
February 20, 2008

/Edward Urban/  
Supervisory Patent Examiner, Art Unit 2618